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EXAMINER

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte PAUL ST. JOHN BRITTAN
and ALISTAIR NEIL COLES

Appeal 2009-004306
Application 10/607,577
Technology Center 2600

Decided: March 29, 2010

Before ROBERT E. NAPPI, JOSEPH F. RUGGIERO, and
MAHSHID D. SAADAT, *Administrative Patent Judges*.

NAPPI, *Administrative Patent Judge*.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134(a) of the final rejection of claims 1-20. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm the Examiner's rejection of these claims.

INVENTION

The invention is directed to a system and method of dynamically controlling resources in a multimodal system by adjusting the allocated or relative average actual usage of the resource by the task entities. *See* Spec.

1-3. Claim 1 is representative of the invention and reproduced below:

1. A method of dynamically controlling usage of a resource by data-processing entities of a multimodal system that is arranged to receive user input in multiple input modalities for use in combination by an application being run by the multimodal system, the data-processing entities being involved in processing different input modalities in a data-processing device, the method comprising:

receiving inputs regarding: input mode usage by a user of the data processing device, modal requirements of a dialogue manager and an application or service, and/or confidence in a recognition process for each modality at a bandwidth moderator;

determining a target relative usage of a data-processing resource;

wherein a relative average actual or allocated usage of the resource by the data-processing entities is dynamically allocated by said bandwidth moderator according to one or more of the following:

actual usage of the different input modalities by the user of the device;

confidence in the results of processing carried out in respect of each of the input modalities;

pragmatic information on input modality usage; and

processing at least one of the input modalities using the resource as dynamically allocated by said bandwidth moderator.

REFERENCES

Bridger	WO 01/35575 A2	May 17, 2001
Maes	US 6,964,023 B2	Nov. 8, 2005 (filed Feb. 5, 2001)

Bernhard Suhm, Brad Myers, & Alex Waibel, *Multimodal Error Correction for Speech User Interfaces*, 8 ACM TRANSACTIONS ON COMPUTER-HUM. INTERACTION 60-98 (2001) [hereinafter Suhm].

REJECTIONS AT ISSUE

Claims 1, 3, 9, 10, 12, and 18-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Maes in view of Suhm. Ans. 4-6.

Claims 2, 4-8, 11, and 13-17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Maes in view of Suhm and Bridger. Ans. 6-7.

ISSUES

Rejection of claims 1, 3, 9, 10, 12, and 18-20 under 35 U.S.C. § 103(a) as being unpatentable over Maes in view of Suhm

Appellants argue on pages 7-10 of the Appeal Brief and pages 2-4 of the Reply Brief that the Examiner's rejection of claims 1, 3, 9, 10, 12, and 18-20 is in error.¹ Appellants argue that neither Maes nor Suhm teaches "receiving inputs regarding: input mode usage by a user of the data processing device, modal requirements of a dialogue manager and an application or service, and/or confidence in a recognition process for each

¹ Appellants have selected claim 1 as representative of the group comprising claims 1, 3, 9, and 19. App. Br. 10. Appellants have additionally selected claim 10 as representative of the group comprising claims 10, 12, 18, and 20. App. Br. 10.

modality at a bandwidth moderator” as disclosed by claim 1. Additionally, Appellants argue that neither Maes nor Suhm teaches “a moderator for dynamically adjusting a relative average actual or allocated usage of the resource by the data-processing entities” as disclosed in claim 10. App. Br. 8-9; Reply Br. 2.

Thus, Appellants’ contentions with respect to claims 1 and 10 present us with two issues. (1) Did the Examiner err in finding that Maes in view of Suhm discloses receiving inputs regarding: input mode usage by a user of the data processing device, modal requirements of a dialogue manager and an application or service, and/or confidence in a recognition process for each modality at a bandwidth moderator? (2) Did the Examiner err in finding that Maes in view of Suhm discloses a moderator for dynamically adjusting a relative average actual or allocated usage of the resource by the data-processing entities?

Rejection of claims 2, 4-8, 11, and 13-17 under 35 U.S.C. § 103(a) as being unpatentable over Maes in view of Suhm and Bridger

Appellants argue on page 11 of the Appeal Brief that the Examiner’s rejection of dependent claims 2, 4-8, 11, and 13-17 is in error. Claims 2 and 4-8 depend upon claim 1 and claims 11 and 13-17 depend upon claim 10. Appellants present the same issues with respect to claims 1 and 10. App. Br. 11. Thus, Appellants’ arguments with respect to the Examiner’s rejection of claims 2, 4-8, 11, and 13-17 present us with the same issues as claims 1 and 10.

FINDINGS OF FACT (FF)

Maes

1. Maes discloses a system that processes multi-modal data that includes at least audio and video inputs. Col. 4, ll. 7-10.
2. The system includes a conversational resource manager that prioritizes the CPU cycles or input/output priorities and minimizes network delays by routing and selecting the appropriate engine and network path. Col. 37, ll. 4-16.

Suhm

3. Suhm discloses the use of confidence scores as one of two methods for locating recognition errors. Pg. 74, ¶ 4.1.
4. Low scoring words are tagged, indicating a possible recognition error. These tags may be incorrect since confidence scores are unreliable. Pgs. 74-75, ¶ 4.1.

PRINCIPLES OF LAW

Office personnel must rely on Appellants' disclosure to properly determine the meaning of the terms used in the claims. *Markman v. Westview Instruments, Inc.*, 52 F.3d 967, 980 (Fed. Cir. 1995) (en banc). "[I]nterpreting what is *meant* by a word *in* a claim is not to be confused with adding an extraneous limitation appearing in the specification, which is improper." *In re Cruciferous Sprout Litig.*, 301 F.3d 1343, 1348 (Fed. Cir. 2002) (citations omitted) (internal quotation marks omitted).

On the issue of obviousness, the Supreme Court has stated that "[t]he combination of familiar elements according to known methods is likely to be

obvious when it does no more than yield predictable results.” *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 416 (2007).

ANALYSIS

Rejection of claims 1, 3, 9, 10, 12, and 18-20 under 35 U.S.C. § 103(a) as being unpatentable over Maes in view of Suhm

Appellants’ arguments have not persuaded us of error in the Examiner’s rejection of claims 1 and 10. Claim 1 recites “confidence in a recognition process for each modality at a bandwidth moderator.” Appellants argue that neither Maes nor Suhm discloses a bandwidth moderator. App. Br. 8. Appellants’ Specification does not specifically define the term “bandwidth moderator.” In analyzing the Specification and Appellants’ subsequent claims, the Examiner finds that a reasonable interpretation of the term “bandwidth moderator” . . . is simply a processing element that manages allocation of a resource.” Ans. 9. The Examiner finds that Maes discloses a resource manager that is equivalent to the claimed bandwidth moderator since Maes’s resource manager allocates computer processing resources. Ans. 4-5. These computer processing resources include allocation of input/output priorities or CPU cycles or minimizing network delay by routing and selecting engine and networks paths. FF 2. Therefore, Appellants’ argument is not found to be persuasive.

Appellants additionally argue that Maes does not disclose any of the limitations in claim 1. Reply Br. 3. However, on pages 4-5 of the Answer, the Examiner finds that Maes in view of Suhm discloses the limitations found in claim 1. Thus, Appellants’ statements are mere conclusions that the Examiner’s finding and reasoning are unsupported, but do not provide any explanation as to why the Examiner’s findings are incorrect. We

consider such assertions without supporting evidence, explanation, or analysis particularly pointing out errors in the Examiner's finding and reasoning to fall short of persuasively rebutting the Examiner's prima facie case of obviousness. *See In re Oetiker*, 977 F.2d 1443, 1445 (Fed. Cir. 1992).

Appellants also argue that Maes in view of Suhm does not disclose

“a moderator for dynamically adjusting a relative average actual or allocated usage of the resource by the data-processing entities in dependence on one or more of the following:

actual usage of the different input modalities by a user;

confidence in the results of processing carried out in respect of each of the input modalities;

pragmatic information on input modality usage.”

Reply Br. 4 (quoting claim 10). However, the Examiner finds that the combination of Maes with Suhm discloses these limitations. Ans. 4-5. First, the Examiner finds that Maes discloses “allocating computer processing resources based on in use (active) modality engines, modality capabilities, and network delay.” Ans. 4-5 (emphasis omitted). Appellants have not specified why these findings by the Examiner are in error.

Next, the Examiner finds that Suhm discloses confidence scores for use in a recognition process. Ans. 5. Appellants argue that Suhm teaches away from the use of confidence scores because Suhm indicates that confidence scores are unreliable. App. Br. 9-10. While Suhm discloses that confidence scores are not reliable, Suhm does disclose that confidence scores are recognized as one of two methods for locating recognition errors. FF 3, 4. Therefore, while confidence scores may not be the most reliable, there is nothing preventing or teaching away from their use with Maes. As a result, Appellants' arguments are not found to be persuasive.

As such, for the reasons stated above, we sustain the Examiner's rejection of claims 1 and 10 and claims 3, 9, 12, and 18-20, which are grouped with claims 1 and 10.

Rejection of claims 2, 4-8, 11, and 13-17 under 35 U.S.C. § 103(a) as being unpatentable over Maes in view of Suhm and Bridger

Appellants' arguments have not persuaded us of error in the Examiner's rejection of claims 2, 4-8, 11, and 13-17. Appellants' arguments present the same issues discussed *supra* with respect to claims 1 and 10. App. Br. 11. Therefore, we sustain the Examiner's rejection of claims 2, 4-8, 11, and 13-17 for the reasons discussed *supra* with respect to claims 1 and 10.

CONCLUSION

The Examiner did not err in finding that Maes in view of Suhm discloses receiving inputs regarding: input mode usage by a user of the data processing device, modal requirements of a dialogue manager and an application or service, and/or confidence in a recognition process for each modality at a bandwidth moderator.

The Examiner did not err in finding that Maes in view of Suhm discloses a moderator for dynamically adjusting a relative average actual or allocated usage of the resource by the data-processing entities.

SUMMARY

The Examiner's decision to reject claims 1-20 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136 (a)(1)(iv).

Appeal 2009-004306
Application 10/607,577

AFFIRMED

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